

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

KEVIN LENAHAN and) CV F 05-608 AWI LJO
PETER AUBRY,)
Plaintiffs,) ORDER TAKING MATTER
v.) UNDER SUBMISSION
SANTA ROSA RANCHERIA TACHI)
TRIBE aka SANTA ROSA BAND OF)
TACHI INDIANS dba PALACE)
INDIAN GAMING CENTER; and)
PALACE INDIAN GAMING CENTER,)
a California Corporation.)
Defendants.)

Defendant Santa Rosa Rancheria Tachi Tribe has noticed for hearing and decision a motion to dismiss without leave to amend under Rules 12. The matter was scheduled for hearing to be held on March 13, 2006. Pursuant to Local Rule 78-230(c), Plaintiffs were required to file either an opposition or a notice of non-opposition no later than February 27, 2006. Plaintiffs failed to do so.

Due to Plaintiffs's failure to file a timely opposition or notice of non-opposition, they are in violation of the Local Rules. See 78-230(c). Plaintiffs are further not entitled to be heard at oral argument in opposition to the motion. See 78-230(c). The court has reviewed Defendant's

1 motion and the applicable law, and has determined that the motion is suitable for decision
2 without oral argument. See Local Rule 78-230(h).

3 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of March 13,
4 2006, is VACATED, and no party shall appear at that time. As of March 13, 2006, the Court
5 will take the matter under submission, and will thereafter issue its decision.

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7 IT IS SO ORDERED.

8 **Dated:** March 7, 2006
9 0m8i78

/s/ Anthony W. Ishii
10 UNITED STATES DISTRICT JUDGE

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